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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF

WILLIAM CHIN-CHING YEH, D.M.D.
License No. 22D101E11800

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that the dental practice owned by William Chin-Ching Yeh, D.M.D. ("respondent"), located at 101 West Whitman Boulevard, Cherry Hill, New Jersey 08003, was observed to be operating in an unsanitary manner, that the waiting room and examination room were dirty, and the dental instruments were dirty and unsanitized. Additionally, it was reported the receptionist was dressed in pajamas and slippers and the respondent's attire was unprofessional.

On October 9, 2006 an inspection of the office revealed the dental practice to be a converted garage in the respondent's home. The waiting area had several cloth chairs which had a sticky black dust on them. There were small gnats flying about the waiting area. The reception area was cluttered. A portion of the ceiling of the reception area was missing tiles and had a large area of exposed wood. The lavatory at the entrance of the first operatory had a dirty cloth towel and there were no paper towels present.

An inspection of the two operatories revealed, as to the first operatory, dental instruments contained in stained packages. Some of the packages were old and brittle and many were torn. Some of the dental instruments were loose in drawers. A dirty towel was observed on the floor next to respondent's dental chair. Next to respondent's dental chair, a bucket with dirty water draining into it from a hose was located. There were rust stains on the floor by the patient chair and the cuspidor was dirty. The operatory contained an emergency kit which was expired. A container that appeared to be used for dirty instruments was stained and dirty. The local anesthetics in this operatory were outdated, containing

an expiration date of 2002. Finally, there was a small sharps container on top of a cabinet that was dirty and dusty and a box containing old patient records.

An inspection of the second operatory revealed a dirty cloth towel next to the sink. There were no paper towels. This operatory was cluttered with boxes and bags. There were copper wires on the wall, some enclosed in a conduit, some exposed. There was a stain on the ceiling and the stool was torn.

On October 24, 2006, a second inspection of respondent's dental practice revealed the premises were noticeably cleaner and more organized. Much of the clutter, as well as the dust and dirt, were gone. A new, up to date emergency kit was present. The bucket of dirty water previously present in the first operatory had been removed. Respondent was interviewed concerning his sterilization techniques, and indicated he does not use cold sterilization before autoclaving his instruments, rather he merely uses Cavacide to rinse the instruments prior to autoclaving. Respondent also acknowledged he does not contract with a medical waste disposal company. He has never disposed of medical waste in the ten years he has practiced at this location. Instead, he has a medical waste container that he empties into old bleach and all purpose cleaner bottles. As to patient records, respondent keeps records of families together in one chart and combines the New Jersey patient records with those from his Pennsylvania office.

Two monitoring reports, presented on October 24, 2006, regarding the sterility of the autoclave were current and indicated a consistent pass rate. However, as to x-ray machine inspections, letters from the Bureau of Radiological Health were dated March 7, 2001 and November 9, 2005 and respondent failed to provide any proof demonstrating inspections of the x-ray equipment between March 7, 2001 and November 9, 2006, nor any proof demonstrating more recent inspections of respondent's x-ray equipment.

On January 8, 2008, a third inspection of respondent's dental practice revealed that the clutter which was not present during the October 24, 2006 inspection, had reappeared. There were vitamins, cleaning products and a business placard on the counter of the waiting room. Respondent indicated these items pertained to his wife's business. The up to date emergency kit, which was present during the October 24, 2006 inspection, was not present. The bucket of dirty water, which had been removed and was not present during the second inspection, was present again. Respondent again indicated he does not use cold sterilization before autoclaving his instruments, but continues to use Cavacide to rinse the instruments prior to autoclaving. Respondent indicated he now contracts with a medical waste disposal company, but was unable to provide contact information for the company.

The inspection further revealed that the dental instruments used by respondent were heavily rusted to a dark brown and black color. There was a dirty towel on the floor by the respondent's dental

chair. Rust stains on the floor by the patient chair were still present. A dental chair light, cuspidor, water and air drills were not in working order. There were no topical anesthesia vials found on the premises. A total of seven (7) local anesthesia carpules were outdated with an expiration date of October 2007.

A quarterly monitoring report concerning the sterility of the autoclave, dated April 18, 2007, indicated a consistent pass rate. However, as to the x-ray machine inspections, a document from the Bureau of Radiological Health was dated November 9, 2005. This was the same document provided by respondent during the October 24, 2006 inspection. Respondent failed to provide any proof demonstrating inspections of the x-ray equipment since November 9, 2005.

Having reviewed the entire record, including photographs of respondent's practice during the inspections, as well as the reports submitted concerning the October 19, 2006 inspection, the October 24, 2006 inspection, and the January 8, 2008 inspection, it appears to the Board that respondent has failed to maintain his professional practice in a safe and sanitary condition in conformance with the Center for Disease Control guidelines. These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(d), for engaging in repeated acts of negligence and incompetence in that respondent failed to keep his instruments in a sterilization bath prior to placement in the autoclave and failed to bag or place instruments in appropriate sterile bags or containers once they were removed from the sterilization unit. Finally, both operatories were maintained in a dirty and unsanitary manner. These facts also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional misconduct by failing to obtain a Department of Environmental Protection medical waste disposal registration, failing to properly dispose of medical waste and failing to maintain current inspection of his x-ray equipment.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THE 31 DAY OF January, 2008

NUNC PRO TUNC January 16, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for the violations of N.J.S.A. 45:1-21(d) and (e) indicated above.
2. Effective on January 16, 2008, respondent shall immediately cease and desist from engaging in the practice of dentistry and close his dental practice located at 101 West Whitman Boulevard, Cherry Hill, New Jersey 08003 for a minimum period of one month and until such time as respondent can demonstrate, to the Board's satisfaction following review of documents submitted by respondent and an inspection to be performed by the Enforcement Bureau of the Division of Consumer

Affairs, that respondent is complying with the Center for Disease Control guidelines for sterilization and the disposal of medical waste and that the concerns delineated above have been adequately addressed. Specifically, respondent shall demonstrate that the office and his practice conforms with the following requirements:

- a) Employment of an office cleaning service which cleans the office on a regular basis.
- b) Sterilization unit subject to appropriate sterilization monitoring.
- c) Storage of all patient records and charts to maintain patient confidentiality and the integrity of radiographs.
- d) Proper disposal of all regulated medical waste including obtaining a medical waste registration number with the Department of Environmental Protection. Respondent must contract with a proper medical waste disposer and must maintain all records pertaining to the disposal of medical waste.
- e) All instruments placed in sterile containers, cassettes or bags, in order to prevent the open-air contamination of the instruments.
- f) Purchase of an ultra-sonic cleaner to treat all instruments with appropriate materials such as enzymatic solution.
- g) Utilization of appropriate barrier techniques in all treatment rooms.
- h) All surfaces cleaned with Environmental Protection Agency registered intermediate level disinfectant with tuberculocidal claim.
- i) Respondent shall wear appropriate protective wear for all patients and services provided.
- j) All patient records maintained consistent with the New Jersey patient record regulations found at N.J.A.C. 13:30-8.7.
- k) Respondent shall rectify the situation concerning missing ceiling tiles in the reception area, and rectify the situation concerning exposed copper wires in the second operatory.
- l) Respondent shall remove the dust and dirt film which is present throughout many areas of the office and hereafter maintain the office in a clean and sanitary manner.
- m) Respondent shall properly dispose of all expired medications, ensure that all medications maintained in the office are within date and arrange for proper disposal at the time of expiration.
- n) Respondent shall insure his x-ray equipment complies with the Performance Standards of the New Jersey Radiation Protection Code, N.J.A.C. 7:26 et seq.

- o) Respondent shall maintain on the premises appropriate personal hygiene supplies including liquid soap and disposable hand towels.

3. Respondent shall, in furtherance of this order, immediately submit his current biennial registration certificate to his attorney, George G. Horiates, to be held in escrow pending receipt of an order of the Board permitting respondent to resume the practice of dentistry.

4. Prior to applying for permission to resume the practice of dentistry and for the re-opening of the office, respondent shall submit to and fully cooperate with an inspection by the Enforcement Bureau of the Division of Consumer Affairs.

5. Prior to applying for permission to resume the practice of dentistry and for the re-opening of the office, respondent shall complete seven hours (7) of continuing education in sterilization techniques and an Occupational Safety and Health Administration course within six (6) months of the date of this order. Respondent shall complete the attached applications for course approval and submit them to the Board for approval prior to attendance. After completion of the courses, respondent is to submit documentation to the Board demonstrating successful completion of the courses. The attached applications are made part of this Consent Order.

6. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 46:1-22, in the amount of one thousand two hundred and fifty dollars (\$1,250) for engaging in repeated acts of negligence and incompetence in that respondent failed to keep his instruments in a sterilization bath prior to placement in the autoclave and failed to bag or place instruments in appropriate sterile bags or containers once they were removed from the sterilization unit. Finally, both operatories were maintained in a dirty and unsanitary manner. Respondent is also assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of one thousand two hundred and fifty dollars (\$1,250) for engaging in professional misconduct by failing to obtain a Department of Environmental Protection medical waste disposal registration and failing to properly dispose of medical waste. Payment of the total amount of twenty-five hundred dollars (\$2,500) shall be made no later than thirty (30) days from the entry of this Consent Order. Payment of the civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark New Jersey 07101.

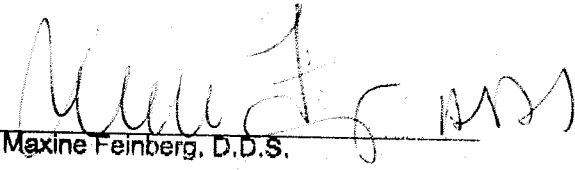
7. Upon re-opening an office for the practice of dentistry in New Jersey, respondent will submit to random inspections at the request of the Board or representatives of the Enforcement Bureau of the New Jersey Division of Consumer Affairs, during office hours. Respondent will be responsible for incurring the costs of all future Enforcement Bureau inspections.

8. Failure to timely remit any payment required by this Order will result in the filing of a certificate of debt.


9. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY


By:


Maxine Feinberg, D.D.S.

I have read and understand this
Consent Order and I agree
to be bound by its terms. I consent
to the entry of this Order.


William Chin-Ching Yen, D.M.D.
Date

I consent to the entry of this order
as to form.


George Horvath, Esq.
Attorney for Dr. Yen
Date